

REMARKS

The Office Action of May 25, 2010, has been reviewed and these remarks are responsive thereto. Claims 1, 12, 23-25, 27, 30, 31, 48 and 50-52 have been amended. Upon entry of this Amendment, claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31 and 35-52 remain pending in the application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 23-25, 27, 30, 31 and 48 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claim 23 has been amended as suggested by the Examiner. Additionally, this amendment is believed to obviate the rejections to claims 24-25, 27, 30-31 and 48, which all depend from claim 23. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Art-Based Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31, 36, 37, 39-48 and 50-52 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hoarty (U.S. Patent No. 5,485,197, hereinafter "Hoarty").

Claims 35, 38 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty in view of Rowe et al. (US Patent No. 5,623,613, hereinafter "Rowe").

Applicants respectfully traverse these rejections for at least the following reasons.

Amended independent claim 1 recites, among other features, the following (emphasis added):

wherein the first unit is further configured to:

assign a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, resulting in an assignment of the 3-D EPG world to the one or more channels, wherein the assignment is customizable,

receive a selection of a channel of the 3-D EPG,

in response to receiving the selection of the channel, select the 3-D EPG world based on the channel and the assignment.

In its rejection of claim 1, the Action relies on Hoarty as allegedly anticipating the features related to the assignment of claim 1. (Office Action, pages 3-4.) However, Hoarty fails to teach or suggest “assign[ing] a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, resulting in an assignment of the 3-D EPG world to the one or more channels, wherein the *assignment is customizable*,” and “in response to receiving the selection of the channel, select the 3-D EPG world based on the channel and the assignment,” as recited by claim 1. (Emphasis added).

For example, the Office Action at page 4 states that “each of the 3-D views [of Hoarty]...is displayed based on user selection. As such, the examiner maintains that the assignment of the 3-D EPG world is customizable, as currently claimed.” Even assuming, without admitting that the Action’s interpretation of Hoarty is accurate, Hoarty does not contemplate **customizable** assignments of EPG worlds where the assignment is “to one or more channels of the 3-D EPG,” as recited in claim 1. User selection of a 3-D view clearly does not constitute assigning a 3-D EPG world to one or more *channels* of the 3-D EPG, as recited in claim 1. Indeed, Hoarty describes a system that includes an EPG with hard-programmed displays. *See, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18. For instance, Hoarty hard-programs when the various portions of the EPG of Hoarty, including the carousel display, are presented to a viewer of the EPG (e.g., the carousel display is *always* displayed in response to an information service being selected). *Id.* Thus, even assuming, without admitting, that the various views (e.g., Figs. 33-41 of Hoarty) of the Hoarty EPG are equivalent to a 3-D EPG world and that the Hoarty system includes an assignment of a view to its

EPG, because any assignment for the various views of Hoarty are hard-programmed, Hoarty does not teach or suggest “an assignment of the 3-D EPG world to the one or more channels, wherein the assignment is customizable,” as recited by claim 1.

Additionally, mere user interaction that causes the EPG of Hoarty to change views does not teach or suggest “an assignment of the 3-D EPG world to the one or more channels, wherein the assignment is customizable” as recited by claim 1. Which view that gets displayed is hard-programmed into the system of Hoarty. (*See supra.*) A user interaction with the EPG of Hoarty does not customize the *assignment to one or more channels*, as recited in claim 1. User interaction of Hoarty cannot change when/where/etc. the various views of the EPG are displayed. CITE For instance, the carousel display is *always* displayed in response to an information service being selected. *See, e.g.,* Hoarty, col. 18, l. 63 – col. 19, l. 18).

Moreover, because which world gets displayed is hard-programmed into the system (e.g., the carousel display is *always* displayed in response to an information service being selected, *see, e.g.,* Hoarty, col. 18, l. 63 – col. 19, l. 18), it follows that Hoarty fails to teach or suggest “assign[ing] a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, resulting in an assignment of the 3-D EPG world to the one or more channels, wherein the assignment is customizable,” as recited in claim 1. Assuming, without admitting, that Hoarty includes an assignment of a view to its EPG, any alleged assignment of Hoarty would be hard-programmed into the system. Thus, there is no need to configure the first unit to assign a world because the assignment has already been hard-programmed.

Accordingly, Hoarty fails to teach or suggest all features of independent claim 1. Therefore, independent claim 1 patentably distinguishes over Hoarty and is in condition for allowance.

Independent claims 12 and 23, although different in scope, recite language similar to claim 1 and are allowable for at least reasons substantially similar to those discussed above with respect to claim 1.

Claims 2, 3, 5, 8, 9, 13, 14, 16, 19, 20, 24, 25, 27, 30, 31, 36, 37, 39-48 and 50-52 depend from one of independent claims 1, 12, or 23 and are distinguishable from the cited references for at least the same reasons as their respective base claim, and further in view of the various novel and non-obvious features recited therein.

For example, amended claim 51 recites, among other features, the following:

display information representing one or more candidate 3-D EPG worlds to a user, the 3-D EPG world being one of the candidate 3-D EPG worlds, wherein the candidate 3-D EPG worlds are candidates for assigning to one or more particular channels of the 3-D EPG, and

receive information that represents a selection of the 3-D EPG world from the one or more candidate 3-D EPG worlds by the user,

wherein assigning the 3-D EPG world includes assigning 3-D EPG world to the one or more particular channels of the 3-D EPG in response to receiving the information that represents the selection of the 3-D EPG world.

In its rejection of claim 51, the Action, on page 9, relies on Hoarty. Hoarty describes a system that includes an EPG with hard-programmed displays that may be traversed by a user through user interaction. *See, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18. Nowhere does Hoarty teach or suggest the above referenced features recited in claim 51.

As another example, claim 52 recites, among other features, the following: “assigning, for a second time, the 3-D EPG world to one or more different channels of the 3-D EPG, wherein the assignment is modified.” The Action, on page 10, relies on Hoarty in its rejection of claim 52. Hoarty describes a system that includes an EPG with hard-programmed displays that may be traversed by a user through user interaction. *See, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18. Assuming, without admitting, that Hoarty includes an assignment to its EPG, any alleged

assignment of Hoarty would be hard-programmed into the system. Thus, there is no need to configure the first unit to assign a world because the assignment has already been hard-programmed. It follows that Hoarty also does not teach or suggest "assigning, for a second time...wherein the assignment is modified," as recited in claim 52.

Claims 35, 38 and 49 depend from one of independent claims 1 and 12. The addition of Rowe fails to cure the deficiencies of Hoarty discussed above respect to claims 1 and 12. Accordingly, claims 35, 38 and 49 patentably distinguish over the cited documents for at least reasons substantially similar to those discussed with respect to claims 1 and 12, and further in view of the novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner believe that a telephonic or in-person interview would aid in prosecution of this matter, Applicants urge Examiner to contact the undersigned attorney.

Respectfully submitted,
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